

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

APPLICANTS: Kerry Champion
APPLICATION NO.: 10/015,502
FILING DATE: December 11, 2001
TITLE: Traffic Manager for Distributed Computing Environments
EXAMINER Pramila Parthasarathy
GROUP ART UNIT: 2136
ATTY. DKT. NO.: 23982-11569

CERTIFICATE OF ELECTRONIC (EFS-WEB) TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.8(a)(i)(C) from the Pacific Time Zone of the United States on the local date shown below.

Dated: November 11, 2008

By: /Sabra-Anne R. Truesdale/

Sabra-Anne R. Truesdale, Reg. No. 55,687

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

**PETITION UNDER 37 CFR 1.59(b) and MPEP 724.05(II) TO EXPUNGE
INFORMATION UNINTENTIONALLY SUBMITTED IN APPLICATION**

Sir:

Fenwick & West LLP (customer number 00758; “Fenwick”) represents Applicant before the USPTO for the above-identified application pursuant to a Power of Attorney filed July 29, 2006. On June 23, 2006, Fenwick mailed a Declaration of Fact by Kerry Champion under 37 CFR 1.131. Attached to the Declaration were Exhibit A (3 pages of a PowerPoint presentation),

Exhibit B (10 pages, entitled “SOAP Traffic Manager Software Architecture Document”), and a single sheet (entitled “Google/dMarc Subject Matter Tree”).

The Google/dMarc Subject Matter Tree is not part of the Declaration or Exhibits and was unintentionally submitted. Therefore Fenwick hereby petitions under 37 CFR 1.59(b) and MPEP 724.05(II) that the single sheet entitled “Google/dMarc Subject Matter Tree,” submitted on June 23, 2006 as part of the Declaration of Fact by Kerry Champion under 37 CFR 1.131, be expunged and returned.

The above-identified information was unintentionally submitted, and the failure to obtain its return would cause irreparable harm to another client of Petitioner and, by extension, to Petitioner itself.

The above-identified information includes confidential attorney notes and is unrelated to the above-identified application but is related to another client of Petitioner. The information has not otherwise been made public and therefore does not qualify as material information under 37 CFR 1.56.

Petitioner commits to retain the above-identified information for the period of any patent with regard to which this information was submitted.

Petitioner requests (and hereby petitions) that the information identified above be expunged from the file. The fee required by 37 CFR 1.17(g) is to be paid as follows: Charge deposit account 19-2555 the sum of \$200 (Reference No. 23982-11569).

Petitioner believes that the requirements set forth in 37 CFR 1.59(b) and MPEP 724.05(II) are satisfied and respectfully requests that this Petition be granted. Petitioner asks that all questions and correspondence concerning this Petition be sent to the undersigned representative.

The Commissioner is authorized to charge any additional fees required in connection with the submission of this Petition to deposit account 19-2555.

Respectfully submitted,
Fenwick & West LLP

Dated: November 11, 2008 By: /Sabra-Anne R. Truesdale/
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